

Application. S.N. 10/690,794
Amendment. Dated October 6, 2005
Reply to Office Action of June 7, 2005

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REMARKS/ARGUMENTS

This amendment is in response to the Office Action mailed June 7, 2005, wherein claims 1-24 were rejected. Claims 1-3, 7-9, 11-13, 16, and 19 have been amended. As such, claims 1-24 remain pending in this application. Reconsideration in light of the above amendments and the following remarks is respectfully requested.

The Office Action rejected Claims 16-18 under 35 USC §112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Applicants have amended claim 16 to state "annealing a sintered ceramic garnet scintillator that is transparent or translucent" as opposed to annealing a sintered ceramic garnet scintillator to be transparent or translucent.. Annealing a ceramic garnet scintillator that is transparent or translucent is supported by Paragraph 71 of the specification and as noted by the Examiner. This amendment is not made to overcome any prior art but to correct a mere typographical error.

Applicants submit that Claims 17-18 depend from independent Claim 16. As presented above, Applicants respectfully submit that the rejection of independent Claim 16 over any §112 rejection has been overcome and Claim 16 is now in a condition for allowance. As independent Claim 16 is now in condition for allowance, the dependent Claims 17-18 are also allowable over the 35 USC §112, first paragraph.

The Office Action rejected Claims 1-3, 7-9, 11-13, 16 and 19 under 35 USC §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

The Office Action alleged that Claims 1-3, 7-9, 11-13, and 16 are indefinite because they contradict each other. Claim 16 has been amended to state "annealing a sintered ceramic garnet scintillator that is transparent or translucent" as opposed to

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annealing the sintered garnet scintillator to be translucent or transparent.

The Office Action alleged that Claim 19 is indefinite as to its meaning. Claim 19 has been amended to state a sintered ceramic scintillator composition, which is transparent or translucent. Claims 1-3, 7-9, 11-13 have also been amended to clarify that the sintered ceramic scintillator composition is transparent or translucent. This amendment is not made to overcome any prior art but to correct a mere typographical error. Thus, applicants respectfully submit that the rejection of Claims 1-3, 7-9, 11-13, and 16 over any §112 indefinite rejection has been overcome and Claims 1-3, 7-9, 11-13, and 16 are now in a condition for allowance.

The Office Action rejected Claims 1-11 and 13 under 35 USC §102(e) as allegedly anticipated by U.S. patent 6,630,077 (077') in view of U.S. patent 5,057,692.

To be a valid 102(e) rejection, a reference's earliest available date, for which a benefit is properly sought, must predate the priority date of the pending application. In this case, the 6,630,077 reference's earliest available date for 102(e) purposes, which can be no earlier than the earliest U.S. filing date for which a benefit is properly sought under 119 and or 120, is October 11, 2001, which does not predate the priority date October 11, 2001, of this pending application. As such, applicants respectfully submit that 6,630,077 reference is not prior art against this current application and that the rejection of Claims 1-3, 7-9, 11-13, and 16 over 102(e) as allegedly anticipated by U.S. patent 6,630,077 (077') in view of U.S. patent 5,057,692 has been overcome.

The Office Action rejected Claims 1-7, 9-11, 13 and 14 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10, 24-29, 32 and 33 of U.S. Patent 6,630,077 in view of U.S. Patent 5,057,592. Applicants have filed a terminal disclaimer over U.S. 6,630,077. Applicants respectfully traverse any obviousness-type double patenting in view of U.S. Patent 5,057,592 titled Poly(arylene sulfide sulfone) polymer containing ether groups as this U.S. Patent 5,057,592 fails to disclose any obvious subject matter. U.S. Patent 5,057,592 fails to

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disclose transparent scintillators.

The Office Action rejected Claims 1-15 and 19-24 under the judicially created doctrine of obviousness-type double patent as being unpatentable over claims 1, 19-27, 37, 54 and 72 of U.S. Patent 6,793,848 in view of U.S. Patent 5,057,592. Applicants have filed a terminal disclaimer over 6,793,848. Applicants respectfully traverse any obviousness-type double patenting in view of U.S. Patent 5,057,592 titled Poly(arylene sulfide sulfone) polymer containing ether groups as this U.S. Patent 5,057,592 fails to disclose any obvious subject matter.

The Office Action rejected Claims 19-24 under the judicially created doctrine of obviousness-type double patent as being unpatentable over claims 1, 19-27, 37, 54 and 74 of U.S. Patent 6,793,848. Applicants have filed a terminal disclaimer over U.S. Patent 6,793,848.

The Office Action provisionally rejected Claims 1-15 under the judicially created doctrine of obviousness-type double patent as being unpatentable over claim 1 of copending application No. 10/625,440. Upon a notice of allowance of the claims as amended, applicants will file a terminal disclaimer.

This pending application claims priority to issued patent 6,793,848, whose inventorship will be petitioned to be amended.

In view of the foregoing amendment and for the reasons set out above, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are respectfully requested.

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Should the Examiner believe that anything further is needed to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number below.

Respectfully submitted,



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